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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WYNN LAS VEGAS LLC
d/b/a WYNN LAS VEGAS, a Nevada
limited liability company,

Plaintiff,

v.

GGW DIRECT, LLC, a Delaware limited
liability company; GGW BRANDS, LLC,
a Delaware limited liability company;
GGW EVENTS, LLC, a Delaware limited
liability company; MANTRA FILMS,
INC., a suspended Oklahoma corporation;
BLUE HORSE TRADING, LLC, a
California limited liability company; PEPE
BUS, LLC, an inactive Montana limited
liability company; SANDS MEDIA, INC.,
a revoked Nevada domestic corporation;
JOSEPH R. FRANCIS, an individual,
DAVID R. HOUSTON, an individual; and
DAVID R. HOUSTON, LTD., a Nevada
professional corporation, doing business as
THE LAW OFFICE OF DAVID R.
HOUSTON,

Defendants.

Case No. 2:12-CV-02066-JCM-PAL

**ORDER GRANTING WYNN
LAS VEGAS, LLC'S EMERGENCY MOTION
TO REMAND**

1 Plaintiff Wynn Las Vegas, LLC's ("Wynn") Emergency Motion to Remand came on for
 2 hearing on December 13, 2012. Having considered the Emergency Motion to Remand and
 3 supporting papers, Defendants GGW Direct, LLC, GGW Brands, LLC, and GGW Events,
 4 LLC's (collectively, "Defendants") Notice of Removal and supporting papers, the Supplemental
 5 Declaration of Joseph Francis in Support of Removal, the pleadings and papers on file herein,
 6 and the arguments of counsel, and good cause appearing therefor:

7 THE COURT HEREBY FINDS THAT:

8 1. Defendants' Notice of Removal was untimely under 28 U.S.C. § 1446.
 9 Defendants' factual basis for removal is predicated primarily on the supporting declarations of
 10 Defendant Joseph R. Francis ("Francis"). Francis' declarations state that Francis only recently
 11 discovered the facts that allegedly make this case removable—specifically that he only
 12 discovered in November 2012 that Defendant Sands Media, Inc. ("Sands") had no assets and
 13 had not been in business since 2009.

14 However, Mr. Francis' testimony is not credible in light of his prior sworn testimony in
 15 another action. Specifically, in a judgment debtor's exam taken in August 2011, Mr. Francis
 16 testified: (1) that he knew Sands was not an ongoing business, that it was closed down and that
 17 nobody had assumed Sands' business; and (2) when asked if Sands had more liabilities than the
 18 value associated with the company, he testified, "[b]ut there would be just liabilities, a lot of
 19 them I believe" Francis' prior and current testimony cannot be reconciled, and the Court
 20 finds that Francis first ascertained the facts giving rise to Defendants' Notice of Removal in
 21 August 2011, long before Wynn filed this action in April 2012.

22 2. Because the Court finds that Defendants' Notice of Removal was untimely, it
 23 need not reach the parties' arguments on whether the Court should disregard Defendants David
 24 R. Houston, David R. Houston, Ltd. and Sands' citizenship for purposes of its removal analysis.

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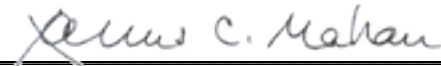
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IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Wynn's Emergency Motion to Remand is GRANTED;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this action is HEREBY REMANDED to the Eighth Judicial District Court, Clark County, Nevada, Department XI.

ENTERED December 14, 2012.


UNITED STATES DISTRICT COURT JUDGE

<p>RESPECTFULLY SUBMITTED BY:</p> <p>BROWNSTEIN HYATT FARBER SCHRECK, LLP</p> <p>By: <u>/s/ Laura E. Bielinski</u> Mitchell J. Langberg, Esq., No. 10118 Laura E. Bielinski, Esq., No. 10516 Joanna M. Myers, Esq., No. 12048 100 North City Parkway, Suite 1600 Las Vegas, Nevada 89106</p> <p><i>Attorneys for Wynn Las Vegas, LLC d/b/a Wynn Las Vegas</i></p>	<p>APPROVED AS TO FORM AND CONTENT BY:</p> <p>PARKER SCHEER LAGOMARSINO LLP</p> <p>By: <u>/s/ Jacob G. Leavitt</u> Andre M. Lagomarsino, Esq., No. 6711 Jacob G. Leavitt, Esq., No. 12608 9555 South Eastern Avenue, Suite 210 Las Vegas, Nevada 89123 <i>Counsel for Defendant Joseph R. Francis</i></p> <p>DAVID OTTO & AFFILIATES, PC</p> <p>By: <u>/s/ David J. Otto</u> David J. Otto, Esq., No. 5449 2300 West Sahara Ave., Suite 800 Las Vegas, NV 89102 <i>Attorney for Defendants GGW Direct, LLC, GGW Brands, LLC and GGW Events, LLC</i></p>
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